

EXHIBIT 4

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIFE AFTER HATE, INC., a/k/a EXITUSA,)
)
Plaintiff,) Case No. 18-cv-06967
)
v.) Judge Virginia M. Kendall
)
FREE RADICALS PROJECT INC., and) Magistrate Judge Jeffrey Cole
CHRISTIAN PICCIOLINI,)
)
Defendants.)

**DEFENDANT CHRISTIAN PICCIOLINI'S SUPPLEMENTAL
AND AMENDED OBJECTIONS AND ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant CHRISTIAN PICCIOLINI ("Picciolini"), by and through his undersigned counsel, for his supplemental and amended objections and answers to Plaintiff's First Set of Interrogatories, states as follows.

GENERAL OBJECTIONS

1. Picciolini objects to Plaintiff's First Set of Interrogatories (hereafter referred to as the "Requests") to the extent they seek information or documents, or to impose obligations, beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the Northern District of Illinois, Eastern Division.

2. Picciolini objects to Plaintiff's Requests to the extent they call for documents or information not within his possession, custody, control, or knowledge, or that are as readily accessible to Plaintiff as they are to Picciolini, including but not limited to documents or information that are publicly available or available from third parties.

3. Picciolini objects to Plaintiff's Requests to the extent they seek material protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable

privilege, or to the extent that they are otherwise protected from discovery. To enable Plaintiff to evaluate Picciolini's assertions of privilege, Picciolini states that he respectfully declines to produce or log any files, records, documents or other things, relating to his communications with undersigned counsel and/or that were created on or after the date that the Complaint was filed.

4. Picciolini objects to the extent that Plaintiff's Requests seek "all" information and documents to the extent the production of "all" documents or information pertaining to a particular subject matter is overbroad, unduly burdensome, and/or not reasonably calculated to lead to the discovery of admissible evidence in that it is unreasonably cumulative and/or duplicative.

5. Picciolini objects to the extent that Plaintiff's requests seek disclosure of names or other personal identifying information regarding any person who has received services from Picciolini and/or Free Radicals Project, Inc. because such information is highly confidential and disclosure of the same constitutes a breach of confidence and trust held with those individuals, and disclosure of such personal identifying information may endanger those persons. Therefore, Picciolini will not disclose such personal identifying information in response to any Request.

6. Picciolini's identification of information or responsive documents in response to an individual Request is based on his investigation, review, and production to date, and does not necessarily include "all" information and documents which may ultimately be determined to be responsive to any given Request.

7. A response that Picciolini will produce documents is not an indication that any documents exist, but only a representation that they will be produced if such documents do exist.

8. In providing any of the information requested, Picciolini does not concede the relevance thereof to the subject matter of this proceeding. Picciolini's responses are made

expressly preserving the right to raise all questions of relevance and admissibility and to object on any grounds to the use of any responses to Plaintiff's Requests. The fact that Picciolini has answered or responded to any Request or any part thereof subject to objections does not waive all or any part of any objection to any Request.

9. Picciolini reserves the right to modify or supplement his answers and objections to Plaintiff's Requests, which are made based on the current status of knowledge, understanding, belief, and search for information and documents. The investigation of facts and information relating to this proceeding is continuing, and therefore, these answers are not intended as an admission or a representation that additional or different information or facts do or do not exist.

10. Subject to and without waiving his General Objections, which are incorporated in and made part of each specific response to Plaintiff's individual Requests, Picciolini answers as follows:

SPECIFIC OBJECTIONS AND ANSWERS

1. Identify all websites and social media accounts that you (or anyone from LAH) used while you were at LAH and you still use/control or used/controlled after your departure from LAH in August of 2017.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 1 as overly broad, unduly burdensome, vague, and ambiguous on the grounds that the term "used" is undefined and that, as written, it not only requests that Picciolini identify each and every website he "used" as well as and any other person associated with Plaintiff "used," but it also requires Picciolini to identify each and every website that he and those other individuals may have even visited one time, at any time, while they were associated with Plaintiff, and it is overbroad because the interrogatory does not distinguish whether the "use" was in each person's

personal or professional capacity. Picciolini further objects to Interrogatory No. 1 on the grounds that it seeks information not relevant to the subject matter of this preliminary injunction motion because this interrogatory seeks information even if the website is not related to or relevant to the alleged trademarks. Therefore this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and it is not proportional to the needs of the preliminary injunction motion. Picciolini further objects to Interrogatory No. 1 on the grounds that it seeks information not in Picciolini's possession, custody, or control, but is instead information only known to third-parties (e.g. websites and social media accounts that "anyone from LAH used"). Subject to and without waiving his general and specific objections, and as limited thereby, Picciolini states that he does not use and/or control any websites or social media accounts that he used and/or controlled while he was affiliated with LAH. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

2. Identify all individuals, companies, organizations, and groups that you know and/or communicated with while at LAH that you work/communicate or worked/communicated with after you departed LAH.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 2 as overly broad and unduly burdensome based on Plaintiff's definition of "communication," which encompasses "any communication, conversation, discussion, interaction, exchange, and/or meeting by any means, whether virtual, in person, by telephone, email, letter, text message, or otherwise," regardless of the frequency of the communication or the volume of communication, or the nature of the relationship, and without regard to the scope of the preliminary injunction motion because Plaintiff necessarily seeks information that does not concern or relate to use of the trademarks. As written, Plaintiff is also requesting information

about communications and relationships with non-consumers and whether Picciolini has relationship or communications with any individual or entity who was not a consumer of Plaintiff's services is not relevant to a likelihood of consumer confusion analysis required for the preliminary injunction motion. Interrogatory No. 2 is therefore overbroad on the grounds that it seeks information not proportional to the needs of the preliminary injunction motion. Picciolini further objects to Interrogatory No. 2 as vague and ambiguous on the grounds that the terms "work" and "worked" are undefined and Picciolini cannot ascertain the meaning Plaintiff attaches to it or how such terms are related to use of the trademarks. Picciolini further objects to Interrogatory No. 2 as vague and ambiguous on the grounds that the term "identify" is undefined and Picciolini cannot ascertain what information is responsive. Picciolini further objects to Interrogatory No. 2 on the grounds that it seeks information not relevant to the subject matter of this lawsuit, including the claims and defenses asserted in this lawsuit, and is therefore not reasonably calculated to lead to the discovery of admissible evidence. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

3. State the sources of all revenue (including donations) that you generated or received between August of 2017 and May of 2018 relating to any educational or social services and, for each source you identify, state the amount you received, the date you received said amount, the person or entity that provided or paid the income and the purpose for having receiving the income/the right to receive that income (e.g. for services rendered, charitable donations, etc.).

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 3 on the grounds that the source of any revenue he generated or received for any business is

not relevant to the preliminary injunction motion because, by the very nature of the motion, Plaintiff is seeking injunctive relief and any specific amount of revenue that Picciolini has received is not considered under any factor of a likelihood of consumer confusion analysis. Further, Plaintiff does not define who the class of individuals it claims are “consumers” and therefore any revenue generated from non-consumer sources is not at issue in the preliminary injunction motion. Moreover, the scope of this request seeks information about all revenue, but it disregards whether the revenue is related to use of the trademarks, meaning that this request is clearly overbroad. Therefore this request is not reasonably calculated to lead to the discovery of admissible evidence and it seeks information that is not proportional to the needs of the preliminary injunction motion. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

4. List the exact online addresses and/or account names for all websites and social media accounts that you used or use for any educational and social service between August of 2017 and now.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 4 as overly broad, unduly burdensome, vague, and ambiguous on the grounds that the terms “use” and “used” are undefined and that, as written, it requests Picciolini to identify each and every website that he may have visited from August 2017 to present, without regard as to whether his use of said website is in his personal or professional capacity, and without regard as to whether the “use” has any relationship to the trademarks for which plaintiff is seek injunctive relief in its preliminary injunction motion. Therefore, Interrogatory is therefore not reasonably calculated to lead to the discovery of admissible evidence and it is not proportional to the needs of the preliminary injunction motion. Picciolini further objects to Interrogatory No. 4 as

duplicative of Interrogatory No. 1. Subject to and without waiving his general and specific objections, and as limited thereby, Picciolini uses the following accounts:

christianpicciolini.com

twitter.com/cpicciolini

facebook.com/officialchristianpicciolini

instagram.com/cpicciolini

youtube.com/cpicciolini

Further responding, the names of these websites as shown above reflect how they would visually appear to any person accessing these websites. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

5. Identify all instances between August of 2017 and May of 2018 that you used the phrases “Life After Hate” or “ExitUSA” (and any close variations thereof) on or in connection with any educational or social service, websites, social media account, marketing material, advertising, event, or presentation.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 5 as overly broad, unduly burdensome, vague, and ambiguous on the grounds that the term “used” is undefined and Picciolini cannot ascertain the meaning Plaintiff attaches to it. This interrogatory is also unduly burdensome because Plaintiff does not define the period of time it means by “instance” (e.g. an hour, a day a month, etc.). Moreover, Plaintiff fails to explain how “any close variation thereof” would be subject to trademark protection or otherwise how Plaintiff is entitled to injunctive relief for things other than what it specifically registered for its trademarks. Picciolini further objects to Interrogatory No. 5 because Plaintiff conceded in its Rule 30(b)(6) deposition that Plaintiff and Defendants do not provide all the same services and

Plaintiff has not established that information about the services requested in Interrogatory No. 5 are at issue in its preliminary injunction motion. Picciolini further objects to Interrogatory No. 5 as overbroad on the grounds that it seeks information not proportional to the needs of the preliminary injunction motion. Subject to and without waiving his general and specific objections, and as limited thereby, Picciolini states that on both his personal website and facebook page he mentions that he was formerly affiliated with LAH. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

6. Identify how many unique visitors visited each of your websites or social media accounts, each month, from August of 2017 to now.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 6 as vague and ambiguous on the grounds that the term “identify” is undefined and Picciolini cannot ascertain what information Plaintiff contends is responsive to this request. Picciolini further objects to Interrogatory No. 6 as overly broad and unduly burdensome to the extent it seeks personal identifying information about any person or entity that may have visited any website or social media account associated with Picciolini. Picciolini further objects to Interrogatory No. 6 on the grounds that it seeks information that it seeks information beyond the scope of the preliminary injunction motion because this interrogatory seeks all information about “unique website visitors,” but Plaintiff does not connect the information in any way to either use of trademarks at issue in the preliminary injunction motion or the services at issue in the preliminary injunction motion. Interrogatory No. 6 is therefore not reasonably calculated to lead to the discovery of admissible evidence and it is not proportional to the needs of the preliminary injunction motion. Subject to and without waiving his general and specific objections, and as

limited thereby, Picciolini states that he does not possess the information requested in Interrogatory No. 6 readily available and that it can be obtained by Plaintiff from third party sources. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

7. Explain why you transferred the ExitUsa Domain Name to your personal hosting account in February 2016 and other EXITUSA assets to your personal gmail account in September 2017 and whether or not you made the transfers with LAH's knowledge.

ANSWER: In addition to his General Objections, Picciolini objects to Interrogatory No. 7 on the grounds that it seeks information not relevant to the subject matter of this lawsuit, including the claims and defenses asserted in this lawsuit, and it is therefore not reasonably calculated to lead to the discovery of admissible evidence. Picciolini further objects to Interrogatory No. 7 on the grounds that it seeks information already in Plaintiff's possession. Picciolini further objects to Interrogatory No. 7 as overbroad on the grounds that it seeks information not proportional to the needs of this lawsuit. Subject to and without waiving his general and specific objections, and as limited thereby, Picciolini states that, at all relevant times, Picciolini has owned the Domain Name, but for a period of time Picciolini had agreed to store and transfer the Domain Name on LAH's GoDaddy account because LAH's third-party web maintenance contract, Dan Knauss, did not have access to it through Picciolini's personal GoDaddy account. While the Domain Name was stored on LAH's GoDaddy Account, the website was hacked by third parties. Accordingly, to protect the Domain Name, and with the Board's knowledge, the Domain Name was transferred back to Picciolini's personal GoDaddy account. Further, at no time did Plaintiff use the Domain Name with the intent to express or imply that Picciolini is currently associated with Plaintiff, or that Picciolini was associated with

Plaintiff at any time after August, 2017, and in fact Picciolini specifically states in his online profiles that he is *formerly* associated with Plaintiff. Further responding, Christian Picciolini did identify, or was available to identify this information in his deposition of February 8, 2019.

Date: February 10, 2019

Respectfully submitted,

By: /s/ Eugene J. Geekie

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2019, I served a copy of the foregoing document on all parties of record via electronic mail.

/s/ Michael A. Jacobson